

Application No. 09/910,190
Attorney Docket No. 60019660-0018
Amendment/Reply to March 2, 2006, Office Action

REMARKS

Claims 7-13 are canceled and claims 1, 49 and 68 are amended herein. Claims 73-94 are added by this amendment. Upon entry of this amendment, claims 1-6 and 14-94 will be pending.

Claims 1-6 - Section 103

Applicant respectfully requests reconsideration of the rejection of claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,772,575 (Lavin) in view of U.S. Patent No. 6,263,330 (Bessette).

Claims 1-6 recite an automated, patient-controlled, medical and biographical records system comprising: a central computer connected to a global computer network; a centralized medical and biographical records database maintained at the central computer, said database including medical and biographical records for a plurality of individual patients, **access to each of said medical and biographical records in the database being controlled by the corresponding individual patient of said plurality of patients**, said central computer executing a security program limiting access to the records to the patients and to health care professionals selectively **authorized by the patients; . . . patient computers . . . each executing a software program interface for patients to input medical history and biographical information** into the patient medical and biographical records database and to **authorize health care professionals to access at least a portion of the records** of the authorizing patients; . . . health care computers . . . each executing a software program interface for the authorized health care professionals to access the medical history and biographical information from the patient medical and biographical records database and to input additional patient medical history and biographical information into the patient medical and biographical records database.

Lavin discloses a system and method for medical personnel to access patient medical information. Lavin does not disclose a system used by patients. Rather, the system is exclusively described as being used by medical personnel. Laving does not disclose a database in which access to each record in the database is controlled by the individual patient. Further, Lavin does not disclose or suggest a

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central computer executing a security program limiting access to records to patients and health care professionals selectively authorized by the patients. Still further, Lavin does not disclose or suggest patient computers executing a program for patients to input information and to authorize health care professionals to access at least some of their records. Thus, Lavin fails to disclose or suggest every feature recited in the claims.

Bessette discloses a system for storing medical records in which a portion of the patient information is stored on a portable storage media. Bessette does not suggest that the patient stores the information on the portable media. Like Lavin, Bessette does not disclose a system used by patients. The Bessette system is exclusively described as being used by medical personnel. In addition, Bessette does not disclose or suggest a central computer executing a security program limiting access to records to patients and health care professionals selectively authorized by the patients or a database in which access to each record in the database is controlled by the individual patient or patient computers executing a program for patients to input information and to authorize health care professionals to access at least some of their records. Thus, neither reference discloses or suggests these elements. Clearly then, the combination of references also fails to disclose or suggest these elements. For this reason, the Section 103 rejection is improper and should be withdrawn.

Claims 14-32 - Section 103

Applicant respectfully requests reconsideration of the rejection of claims 14-32 under 35 U.S.C. § 103(a) as being unpatentable over Lavin in view of Bessette.

Claims 14-32 recite a method for entering and retrieving patient medical and biographical record information comprising the steps of: maintaining medical, biographical, and security information for a plurality of individual patient records in a medical and biographical records database on a centralized computer; inputting patient medical and biographical information in the . . . database through a computer remotely situated from the centralized computer; inputting patient medical and biographical records security information in the . . . database through the computer remotely situated from the centralized computer; **executing a security program limiting access to the . . . database to the individual patients inputting medical and biographical**

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information into their own records and to health care professionals selectively authorized by the patients to input additional medical and biographical information to the patients' records; and executing a security program limiting access to the . . . database to the individual patients retrieving medical and biographical information from their own records and to the health care professionals selectively authorized by the patients.

As discussed above, neither Lavin nor Bessette disclose or suggest a method in which patients can limit database access to specific health care professionals. Thus, the references fail to disclose or suggest a method including the steps of executing a security program limiting access to the database to patients inputting medical and biographical information into their own records and health care professionals selectively authorized by the patients to input additional medical and biographical information to the patients' records or executing a security program limiting access to the database to the individual patients retrieving information from their own records and to the health care professionals selectively authorized by the patients. Because neither reference discloses or suggests these elements, the Section 103 rejection is improper and should be withdrawn.

Claims 33-48 - Section 103

Applicant respectfully requests reconsideration of the rejection of claims 33-48 under 35 U.S.C. § 103(a) as being unpatentable over Lavin in view of Bessette and further view of U.S. Patent No. 6,849,045 (Liff).

Claims 33-48 recite a method for entering and retrieving patient medical and biographical record information comprising the steps of: maintaining medical, biographical, and security information for a plurality of individual patient records in a medical and biographical records database on a centralized computer; inputting patient medical and biographical information in the . . . database through a computer remotely situated from the centralized computer; inputting patient medical and biographical records security information in the . . . database through the computer remotely situated from the centralized computer; **executing a security program limiting access to the . . . database to the individual patients inputting medical and biographical**

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information into their own records and to health care professionals selectively authorized by the patients to input additional medical and biographical information to the patients' records; and executing a security program limiting access to the medical and biographical records database to the individual patients retrieving medical and biographical information from their own records and to the health care professionals selectively authorized by the patients.

Iliff discloses a system and method for providing computerized medical diagnostic and treatment advice. However, Iliff does not disclose or suggest a method in which patients can limit database access to specific health care professionals. Likewise Lavin and Bessette also fail to disclose or suggest such a method. Thus, the references taken together fail to disclose or suggest a method including the steps of executing a security program limiting access to the database to patients inputting medical and biographical information into their own records and health care professionals selectively authorized by the patients to input additional medical and biographical information to the patients' records or executing a security program limiting access to the database to the individual patients retrieving information from their own records and to the health care professionals selectively authorized by the patients. Because the references fail to disclose or suggest these elements, the Section 103 rejection is improper and should be withdrawn.

Claims 49-67 - Section 103

Applicant respectfully requests reconsideration of the rejection of claims 49-67 under 35 U.S.C. § 103(a) as being unpatentable over Lavin in view of Bessette and further view of Iliff.

Claims 49-67 recite an automated medical diagnosis method comprising the following steps: creating a plurality of diagnostic questions relating to medical signs and symptoms . . . ; storing said diagnostic questions on a central computer connected to a global computer network; **differentially weighting the diagnostic questions and responses according to their relative importance in determining a medical diagnosis**; providing a software program interface accessible by computers situated remotely from the central computer, said interface interactively displaying to patients a

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series of the diagnostic questions stored on the central computer; retrieving patient responses to the diagnostic questions and correlating the patient responses to a list of potential diagnoses as a function of the input responses to the medical diagnostic questions and the relative weight of the medical diagnostic questions; and **storing the list of potential medical diagnoses to a medical and biographical records database via the computer network including a security program limiting access to the medical and biographical records database to the individual patient to whom the diagnosis relates and to health care professionals selectively authorized by the patient to access the records.**

The Office action states that claim 49 recites the same limitations as claim 33 and is rejected for the same reasons. (Office action, page 14, paragraph labeled E.) A comparison of claim 49 to claim 33 reveals this logic is flawed because the claims do not recite the same subject matter. Thus, the Examiner has failed to make a *prima facie* case. If the Examiner wished to maintain the rejection, the Examiner is invited to make a *prima facie* case in a non-final action so Applicant has a first opportunity to respond to a proper rejection.

In addition, as discussed above Iliff discloses a system and method for providing computerized medical diagnostic and treatment advice. However, like Lavin and Bessette, Iliff fails to disclose or suggest a method in which diagnostic questions and responses are differentially weighted according to their relative importance in determining a medical diagnosis or in which a list of potential diagnoses are provided to the patient. Further, the references fail to disclose or suggest storing diagnoses to a database via the computer network having a security program limiting access to the database to the patient to whom the diagnosis relates and to health care professionals selectively authorized by the patient. The cited references taken separately or together fail to disclose or suggest these elements. Accordingly, the Section 103 rejection is improper and should be withdrawn.

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Claims 68-72 - Section 103

Applicant respectfully requests reconsideration of the rejection of claims 68-72 under 35 U.S.C. § 103(a) as being unpatentable over Lavin in view of Bessette and further view of Iliff.

Claims 68-72 recite a health care finance and insurance method comprising: maintaining medical, biographical, diagnostic, and treatment records for a plurality of individual patients in a medical and biographical records database on a centralized computer; **restricting access to each of said medical, biographical, diagnostic and treatment records in the database to the patients to whom the records relate and to individuals and institutions selectively authorized by the patients; maintaining insurance services wherein the services are selected from the group consisting of terms of insurance contracts, explanation of benefits and services, pre-approval of patient services, pre-approval of treatment, approval of treatment, verification of eligibility for medical treatment, verification of treatment, and automated payment of medical treatment; comparing the patient diagnosis and prescribed services or treatment records with approved therapeutic treatment for the identified diagnosis; and approving or disapproving payment for the prescribed services or treatment.**

Contrary to the assertions made in the Office action, none of the cited references disclose or suggest the steps of restricting access to each of said medical, biographical, diagnostic and treatment records in the database to the patients to whom the records relate and to individuals and institutions selectively authorized by the patients, maintaining insurance services selected from the group consisting of terms of insurance contracts, explanation of benefits and services, pre-approval of patient services, pre-approval of treatment, approval of treatment, verification of eligibility for medical treatment, verification of treatment, and automated payment of medical treatment. Further, none of the references disclose or suggest comparing the patient diagnosis and prescribed services or treatment records with approved therapeutic treatment for the identified diagnosis. Still further, none of the references disclose or suggest approving or disapproving payment for the prescribed services or treatment.

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Thus, the references fail to disclose or suggest several elements recited in the claims. Accordingly, the Section 103 rejection is improper and should be withdrawn.

Conclusion

As it is believed the application is in condition for allowance, a favorable action and Notice of Allowance are requested.

If the Examiner desires, Applicants welcome a telephone interview to expedite prosecution and its representative may be reached at the telephone number provided below.

Applicants enclose a Credit Card Payment form for \$435.00 (\$60.00 fee for a one month extension of time and \$375.00 for 15 additional dependent claims). However, the Commissioner is hereby authorized to charge any fees due to Deposit Account No. 19-3140.

Respectfully submitted,

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